

Department of Health
Notice of Rulemaking Hearing
Board for Licensing Health Care Facilities
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendment of rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Tennessee Room on the Ground floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 10:00 a.m. (CDST) on the 17th day of July, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-0508, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-8-1
Standards for Hospitals

Chapter 1200-8-2
Standards for Prescribed Child Care Centers

Chapter 1200-8-6
Standards for Nursing Homes

Chapter 1200-8-7
Residential Home for Aged Quality Enabling Program

Chapter 1200-8-10
Standards for Ambulatory Surgical Treatment Centers

Chapter 1200-8-11
Standards for Homes for the Aged

Chapter 1200-8-15
Standards for Residential Hospices

Chapter 1200-8-17
Alcohol and other Drugs of Abuse Residential Rehabilitation Treatment Facilities

Chapter 1200-8-18
Alcohol and other Drugs of Abuse Non-Residential Treatment Facilities

Chapter 1200-8-19
Alcohol and other Drugs of Abuse DUI School Facilities

Chapter 1200-8-20
Alcohol and other Drugs of Abuse Prevention Program Facilities

Chapter 1200-8-21
Alcohol and other Drugs of Abuse Non-Residential Narcotic Treatment Facilities

Chapter 1200-8-22
Alcohol and other Drugs of Abuse Halfway House Treatment Facilities

Chapter 1200-8-23
Alcohol and other Drugs of Abuse Residential Detoxification Treatment Facilities

Chapter 1200-8-24
Standards for Birthing Centers

Chapter 1200-8-25
Standards for Assisted-Care Living Facilities

Chapter 1200-8-26
Standards for Homecare Organizations Providing Home Health Services

Chapter 1200-8-27
Standards for Homecare Organizations Providing Hospice Services

Chapter 1200-8-28
Standards for HIV Supportive Living Facilities

Chapter 1200-8-29
Standards for Homecare Organizations Providing Home Medical Equipment

Chapter 1200-8-32
Standards for End Stage Renal Dialysis Clinics

Chapter 1200-8-34
Standards for Homecare Organizations Providing Professional Support Services

Chapter 1200-8-35
Standards for Outpatient Diagnostic Centers

Amendments

Rule 1200-8-1-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-208, 68-11-209, and 68-11-216.

Rule 1200-8-2-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, and 68-11-213.

Rule 1200-8-6-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (14), so that as amended, the new paragraph (14) shall read:

- (14) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-7-.07, Hearings, is amended by adding the following language as new paragraph (4), so that as amended, the new paragraph (4) shall read:

- (4) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-201, 4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Rule 1200-8-10-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-11-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (9), so that as amended, the new paragraph (9) shall read:

- (9) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, and 68-11-221.

Rule 1200-8-15-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-17-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions

authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-18-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-19-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202 through 4-5-206, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206 through 68-11-209, and 68-11-213.

Rule 1200-8-20-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-21-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202 through 4-5-206, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206 through 68-11-209, and 68-11-213.

Rule 1200-8-22-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-23-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202 through 4-5-206, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206 through 68-11-209, and 68-11-213.

Rule 1200-8-24-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-208, and 68-11-209.

Rule 1200-8-25-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (8), so that as amended, the new paragraph (8) shall read:

- (8) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-208, 68-11-209, and 68-11-213.

Rule 1200-8-26-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-27-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-28-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, and 68-11-209.

Rule 1200-8-29-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (4), so that as amended, the new paragraph (4) shall read:

- (4) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-32-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, and 68-11-209.

Rule 1200-8-34-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, and 68-11-206 through 68-11-209.

Rule 1200-8-35-.03, Disciplinary Procedures, is amended by adding the following language as new paragraph (6), so that as amended, the new paragraph (6) shall read:

- (6) Reconsideration and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-219, 4-5-312, 4-5-316, 4-5-317, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, and 68-11-216.

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board for Licensing Health Care Facilities.

Katy Gammon, Director
Division of Health Care Facilities

Subscribed and sworn to before me this the 3rd day of May, 2006.

Notary Public

My commission expires on the 27th day of January, 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2006.

Riley C. Darnell
Secretary of State

By: _____